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April 20, 1998

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APR 2 0 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas Secretary Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554

RE: MM Docket No. 87-268

Dear Ms. Salas:

On behalf of Pelican Broadcasting Company, there is transmitted herewith and filed an original and four (4) copies of its "Petition for Reconsideration" in the above-referenced proceeding.

Should there be any questions concerning the enclosure, kindly communicate directly with the undersigned counsel.

Very truly yours,

KAYE, SCHOLER, FIERMAN,

HAYS & HANDLER, LLP

Allan G. Moskowitz

Enclosure

Via. of Copies rec'd O+Y

#### BEFORE THE

### Federal Communications Commission

WASHINGTON, D.C. 20554

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		$^{APR}_{20}$
		~ G/##
In the Matter of	)	OFFICE OF THE SECRETARY
	)	SCHETARY
Advanced Television Systems	)	
and Their Impact Upon the Existing	)	MM Docket No. 87-268
Television Broadcast Service	)	

RE

To: The Commission

### PETITION FOR RECONSIDERATION

Pelican Broadcasting Company ("Pelican"), by its counsel, hereby seeks reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 23, 1998) ("*MO&O*"), in the above-captioned proceeding. In support of this petition, the following is stated:

### I. Background.

On July 23, 1996, Pelican filed a petition for rulemaking requesting the Commission to allot Channel 45 to Cheney, Washington, as that community's first local television service. On the same date, Pelican filed an accompanying application for a new television station to operate on Channel 45 at Cheney, Washington.

In its Sixth Report and Order in this proceeding, 12 FCC Rcd 14588 (1997), the Commission noted that, in its Sixth Further Notice of Proposed Rulemaking, it stated that it would not accept additional applications for new NTSC stations that were filed after September 20, 1996.<sup>1</sup> The

See Sixth Further Notice of Proposed Rulemaking, 11 FCC Rcd 10968, 10992 ¶60 (1996) ("Sixth Further Notice"). Specifically, the Commission stated that it would not accept additional (continued...)

Commission also noted, however, that it would continue to process applications already on file and those that were filed on or before September 20, 1996, because the Commission did not believe that these applications would have a "significant negative impact" on the development of the DTV Table of Allotments. *Sixth Report and Order*, 12 FCC Rcd at 14635, ¶104. The Commission further noted that it also stated in its *Sixth Further Notice* that it would continue to accept petitions for rulemaking proposing to amend the existing TV Table of Allotments in Section 73.606(b) of the rules through July 25, 1996. *Id.* at ¶105. Any petitions that were on file and any rulemaking proceedings that were pending on that date would be addressed on a case-by-case basis, taking into account their impact on the DTV Table.<sup>2</sup> *Id.* 

# II. The MO&O Failed to Protect Pelican's Pending NTSC Rulemaking Petition and Accompanying Application.

In its recent *MO&O*, the Commission repeatedly confirmed that it fully intended to protect pending NTSC applications filed by September 20, 1996. *See, e.g., MO&O* at ¶¶571, 575, 608, 627. Nevertheless, the DTV Table set forth in the *MO&O* fails to protect Pelican's pending rulemaking petition seeking the allotment of NTSC Channel 45 at Cheney, Washington, as well as Pelican's pending application for that facility. As stated above, Pelican's rulemaking petition and accompanying application for the Channel 45 facility at Cheney were on file with the Commission prior to the respective July 25 and September 20, 1996, filing deadlines. The Commission's failure

<sup>&</sup>lt;sup>1</sup>(...continued)

applications for NTSC stations that were filed after 30 days from the publication of the Sixth Further Notice in the Federal Register. A summary of the Sixth Further Notice was published in the Federal Register on August 21, 1996. See 61 Fed.Reg. 43209 (1996).

The Commission also stated that, in those pending cases in which a new NTSC channel is allotted, it would make an exception to its September 20, 1996, deadline and accept applications for the new stations. Sixth Report and Order, ¶105.

to protect the proposed allotment of Channel 45 at Cheney and Pelican's pending application for that facility is flatly inconsistent with the statements the Commission made in its *Sixth Further Notice* and *Sixth Report and Order*, and the Commission neglected to provide any explanation for its failure to consider Pelican's pending proposals in establishing the DTV Table. Therefore, for this reason alone, the DTV Table contained in the *MO&O* should be revised to accommodate the proposed NTSC allotment of Channel 45 at Cheney, Washington, and Pelican's pending application for that facility.

III. The Commission Should Substitute DTV Channel 47 for the Existing DTV Channel 45 Allotment at Coeur d'Alene, Idaho, or, Alternatively, Pelican Should be Permitted to Amend its Pending NTSC Rulemaking Petition and Accompanying Application to Specify an Available Alternative Channel.

In this case, the proposed NTSC allotment of Channel 45 at Cheney, Washington, is short-spaced to a co-channel DTV allotment for noncommercial educational Station KCDT(TV), Coeur d'Alene, Idaho. Assuming, *arguendo*, the Commission should determine that its failure to consider Pelican's pending rulemaking petition and accompanying application for a Channel 45 NTSC facility at Cheney does not constitute a sufficient basis, in itself, for granting reconsideration of the DTV allotment of Channel 45 at Coeur d'Alene, Idaho, the Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments. In order to accommodate Pelican's pending rulemaking petition proposing the NTSC allotment of Channel 45 at Cheney, Pelican respectfully requests that the Commission change the DTV allotment for Station KCDT(TV), Coeur d'Alene, from Channel 45 to Channel 47. As demonstrated in the attached engineering materials, the substitution of DTV Channel 47 for Channel 45 will not affect the 100%

replication of service area and population served by Station KCDT(TV), and the allotment will be fully-spaced to all NTSC stations.

Alternatively, in the event the Commission elects not to substitute DTV Channel 47 for Channel 45 at Coeur d'Alene, Pelican requests that it be permitted to amend its pending rulemaking petition and accompanying application to specify operation on any one of Channels 53-58 at Cheney, none of which will cause interference to any other DTV facility. *See* attached engineering materials.

The proposed substitution of DTV Channel 47 for Channel 45 at Coeur d'Alene, or, alternatively, permitting Pelican to amend its pending NTSC rulemaking petition and accompanying application to specify operation one any one of the available alternative channels at Cheney, would effectuate the Commission's pronouncements in its *Sixth Further Notice* and *Sixth Report and Order* that it would protect those pending NTSC rulemaking petitions and applications that were filed before July 25 and September 20, 1996, respectively.

## IV. The Proposals Set Forth Herein Would Provide Substantial Public Interest Benefits.

In this case, either substituting DTV Channel 47 for Channel 45 at Coeur d'Alene, or permitting Pelican to amend its pending rulemaking petition and accompanying application to specify operation on any one of the available alternative NTSC channels set forth above would provide the community of Cheney with its first local television service, which would promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various states and communities. 47 U.S.C. §307(b). See National Broadcasting Co. v. U.S., 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); FCC v. Allentown Broadcasting Co., 349 U.S. 358, 359-62 (1955) (describing goal of

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Section 307(b) to "secure local means of expression"). In addition, the proposed allotment would promote the second television allotment priority established in the *Sixth Report and Order* in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station.

Furthermore, the substitution of DTV Channel 47 for Channel 45 at Coeur d'Alene or permitting Pelican to amend its pending rulemaking petition and accompanying application to specify an available alternative NTSC channel at Cheney would serve the public interest by promoting the emergence and development of new networks.<sup>3</sup> As far back as 1941, when the Commission adopted its Chain Broadcasting Rules,<sup>4</sup> a primary goal of the Commission was to remove barriers that would inhibit the development of new networks. The Commission explained that the Chain Broadcasting Rules were intended to "foster and strengthen broadcasting by opening

Pelican's application for the Cheney facility was filed in tandem with a series of other applications which, together, cover many of the top 100 markets in which there are no full power television stations to primarily affiliate with The WB Television Network ("The WB"), with whom these respective applicants have existing affiliations. Although there is no commitment on the part of either the applicants or The WB to enter into an affiliation agreement, The WB has indicated a willingness to enter into an affiliation agreement with these applicants in the event they are successful in acquiring a station in their respective communities. It should be made clear, however, that the public interest benefit of promoting an emerging network will be achieved regardless of which applicant ultimately acquires the construction permit. The important element is that the NTSC allotment be preserved and that the station become operational and available for affiliation. By the same token, the public interest benefit of promoting emerging networks is served regardless of whether it is The WB or some other new network that gains a primary affiliate in a top 100 market.

See Report on Chain Broadcasting, Commission Order No. 37, Docket 5060 (May 1941) at 88 ("Report on Chain Broadcasting"); Amendment of Part 73 of the Commission's Rules and Regulations with Respect to Competition and Responsibility in Network Television Broadcasting, 25 FCC 2d 318, 333 (1970); Fox Broadcasting Co. Request for Temporary Waiver of Certain Provisions of 47 C.F.R. §73.658, 5 FCC Rcd 3211, 3211 n.9 (1990), (citing, Network Inquiry Special Staff, New Television Networks: Entry, Jurisdiction, Ownership, and Regulation (Vol. 1 Oct. 1980)), waiver extended, 6 FCC Rcd 2622 (1991).

up the field to competition. An open door to networks will stimulate the old and encourage the new." Report on Chain Broadcasting at 88.

The successful emergence of new networks, however, depends in large part upon their ability to attract and retain local affiliates, which is the life blood of any national network. Moreover, for emerging networks, it is critical that they be afforded the opportunity to compete for affiliates as quickly as possible. Indeed, the large financial losses that confront any national network in its initial years of operation can be stemmed only by obtaining additional affiliates to carry the emerging network's programming. In many markets, however, there simply are not enough stations to provide affiliates for emerging networks in addition to those of the more established networks. Thus, the Commission should make the requested change in the DTV Table which, by permitting an additional broadcast station to serve the Spokane, Washington television market, will help promote emerging networks.

Although the Commission has noted that it is not its function to assure competitive equality in any given market, it has acknowledged its "duty at least to take such actions as will create greater opportunities for more effective competition among the networks in major markets." The history of the Commission's financial interest and syndication ("finsyn") rules provides a good illustration of how the Commission has remained steadfast in its commitment to the goal of nurturing new networks. In 1970, when the Commission first adopted the finsyn rule, it noted that

See, e.g., Television Broadcasters, Inc., 4 RR 2d 119, 123 (1965) (Commission granted a short-spacing waiver to an ABC affiliate based largely upon its finding that the station had inferior facilities compared to those available to other national networks in the market, which resulted in a "serious competitive imbalance"), recon. granted in part on other grounds, 5 RR 2d 155 (1965); New Orleans Television Corp., 23 RR 1113 (1962) (short-spacing waiver granted for the purpose of assuring the existence of a third truly competitive station in the market, thereby making available competitive facilities to the networks).

"[e]ncouragement of the development of additional networks to supplement or compete with existing networks is a desirable object and has long been the policy of this Commission." *Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d at 333. More than two decades later, when the Commission first relaxed and later eliminated the finsyn rule, it did so at the behest of the then-newest network entrant, Fox.<sup>6</sup> The FCC's goal of fostering new networks also is reflected in the Commission's relaxation of its multiple ownership rules. *See Amendment of Section 73.3555 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations*, 100 FCC 2d 17, 45 (1984) (relaxing restrictions on multiple ownership advances the Commission's diversity goal by providing alternatives to the three television networks).

The Commission also has crafted other rules and granted a variety of waivers designed to foster the development of new networks over the years. In 1967, for example, the Commission granted a waiver of the dual network rule to ABC, the then-new network entrant, in connection with ABC's four new specialized radio networks. Although operation of the four networks violated the dual network rule, the Commission nevertheless concluded that waiver of the rule was appropriate because ABC's proposal "merits encouragement as a new and imaginative approach to networking."

Pending its review of the finsyn rule, the Commission granted Fox's request for a limited waiver of the rule. Fox Broadcasting Co., 5 FCC Rcd at 3211 (1990). As Commissioner Duggan explained, "Fox has been a bright and innovative force. The existence of a fourth network is certainly in the public interest. . . . Fox deserves to be encouraged." Broadcasting & Cable, May 7, 1990, ed., p. 28; accord, Application of Fox Television Stations, Inc. for Renewal of License of Station WNYW-TV, New York, New York, 10 FCC Rcd 8452, 8528-29 (1995) (Commissioner Quello stating in his concurring statement, "I believe . . . that the creation of the fourth network was a compelling public interest goal."). Similarly, in deciding to phase out the finsyn rule entirely in 1995, the Commission evaluated the rule's impact on "[t]he overall business practices of emerging networks, such as Fox, in the network television and syndication business . . . [and t]he growth of additional networks, including the development of Fox and its position vis-à-vis the three major networks." Evaluation of Syndication and Financial Interest Rules, 10 FCC Rcd 12165, 12166 (1995).

Proposal of American Broadcasting Cos., Inc. to Establish Four New Specialized "American Radio Networks," 11 FCC 2d 163, 168 (1967). The Commission explained that it was "of more than usual importance to encourage to the extent possible innovation and experimentation in the operation of networks." Id. at 165.

As these examples illustrate, the Commission has remained steadfast in its commitment to the goal of encouraging new networks. Indeed, the Commission has consistently concluded for more than fifty years that the development of new networks -- with the accompanying diversity of viewpoint that they bring -- serves the public interest. In order for emerging networks to survive, however, it is imperative that they be afforded the opportunity to compete for additional local affiliates. The requested change in the DTV Table of Allotments will help facilitate the Commission's longstanding interest in promoting the emergence of new networks by providing an additional broadcast station with which to affiliate in the Spokane market.

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WHEREFORE, in light of the foregoing, Pelican Broadcasting Company respectfully requests that the Commission GRANT reconsideration of its MO&O to the extent indicated herein, or, alternatively, permit the petitioner to amend its pending NTSC rulemaking petition and accompanying application to specify operation on any one of the available alternative NTSC channels set forth herein.

Respectfully submitted,

PELICAN BROADCASTING COMPANY

Allen G. Moskowit

Its Counsel

Kaye, Scholer, Fierman, Hays & Handler, LLP 901 15th Street, N.W. Suite 1100 Washington, DC 20005

April 20, 1998

### **CERTIFICATE OF SERVICE**

I, Toni R. Daluge, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, hereby certify that on this 20th day of April, 1998, copies of the foregoing "Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

Roy J. Stewart, Chief\*
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

Barbara A. Kreisman, Chief\*
Video Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.,, Room 702
Washington, DC 20554

State Board of Education State of Idaho Radio and Television Center University of Idaho Moscow, ID 83844-3101

Toni R. Daluge

\* Hand Delivered

### **Engineering Statement**

Cheney, WA Channel 45

Wes, Inc. Broadcast Consultants

The program used to demonstrate interference and service replication percentages in this study was the OET FLR program, OET Bulletin 69, running on our own Sun Microsystems computers. These computers have been verified to give identical results to the runs generated by OET. The spacing programs are our own proprietary programs utilizing the FCC broadcast database and DTV database.

Due to a digital 45 being assigned to Coeur D'Alene, Idaho, 59.3 km away, a study was conducted to propose moving the digital channel 45 to digital channel 47. The study results show 100% match of replicated area and population for Coeur D'Alene. The spacing study attached shows adequate spacing to NTSC stations.

Should the Commission prefer moving the proposed NTSC channel 45 in Cheney, Washington, the TV channel spacing study shows channels 53,54,55,56,57, and 58 open to such a change. Also, attached list of digital channels within 300 km shows no conflict with any digital channels.

Pete E Myrl Warren, III

Date

Whose qualifications are a matter of

record with the Commission

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

Job title: Cheney, WA Latitude: 47 48 48 Channel: 53 Longitude: 117 30 41

Database file name: c:\tvsr\tv980408.edx

Reqd.
CH Call Record No. City ST Z STS Bear. Dist. Dist. Result
45- ALLOTM 11699 CHENEY WA 2 A 187.6 36.1 31.4 4.7
530 ALLOTM 12287 ENDERBY BC 2 339.4 326.5 280.8 45.7

\*\*\*\*\* End of channel 53 study \*\*\*\*\*

\*\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*\*

Job title: Cheney, WA Latitude: 47 48 48 Channel: 54 Longitude: 117 30 41

Database file name: c:\tvsr\tv980408.edx

Reqd.

CH Call Record No. City ST Z STS Bear. Dist. Dist. Result

\*\*\*\*\* End of channel 54 study \*\*\*\*\*

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

Job title: Cheney, WA Latitude: 47 48 48 Channel: 55 Longitude: 117 30 41

Database file name: c:\tvsr\tv980408.edx

Reqd.

CH Call Record No. City ST Z STS Bear. Dist. Result

\*\*\*\*\* End of channel 55 study \*\*\*\*\*

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*\*

Job title: Cheney, WA Latitude: 47 48 48 Channel: 56 Longitude: 117 30 41

Database file name: c:\tvsr\tv980408.edx

\*\*\*\*\* End of channel 56 study \*\*\*\*\*

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

Job title: Cheney, WA Latitude: 47 48 48 Channel: 57 Longitude: 117 30 41

Database file name: c:\tvsr\tv980408.edx

Reqd.

CH Call Record No. City ST Z STS Bear. Dist. Result

\*\*\*\*\* End of channel 57 study \*\*\*\*\*

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

Job title: Cheney, WA Latitude: 47 48 48 Channel: 58 Longitude: 117 30 41

Database file name: c:\tvsr\tv980408.edx

Reqd.

CH Call Record No. City ST Z STS Bear. Dist. Dist. Result

\*\*\*\*\* End of channel 58 study \*\*\*\*\*

Computing Tools FCC Database Reports Rev 1.4
Digital TV Stations within 300.000 of 047-48-48 117-30-41
Accuracy and completeness of these results is NOT assured.

St	City	channel	latitude	longitude	distance, (km),	bearing (degrees)
OR WA WA WA WA WA WA WA MT WA ID	LA Grande Pendleton Spokane Yakima Spokane Yakima Pullman Pasco Spokane Yakima Richland Missoula Spokane Lewiston Yakima	5 8 13 14 15 16 17 18 20 21 26 27 30 32 33	45-44-51 47-55-18 46-31-57 47-34-52 46-31-59 46-51-43 46-05-51 47-35-42 46-31-58 46-06-11 46-48-09 47-34-44 46-27-27	117-43-57 118-02-11 117-06-48 120-30-37 117-17-47 120-30-26 117-10-26 119-11-30 117-17-53 120-30-33 119-07-47 113-58-21 117-17-46 117-05-56 120-30-33	278.822, 233.124, 32.126, 268.265, 30.448, 268.035, 108.805, 29.662, 29.080, 268.177, 226.548, 290.251, 30.669, 153.947,	(degrees)  183.48616 189.90327 67.97913 237.94045 147.99227 237.92522 166.44174 213.84364 146.59208 237.93642 212.93877 112.77948 148.20334 168.27099 237.93642
	Moscow	35		116-58-13	•	161.96444
MT	Missoula	35	47-01-06	114-00-41		108.50189
	Missoula	36		114-00-46	278.387,	108.48481
WA	Spokane	36	47-36-04	117-17-3		
1.00	29.113, 144.1441					
	Kalispell	38		114-21-55		84.59840
	Richland	38		119-07-50	•	213.00245
	Spokane Missoula	39 40		117-17-58 114-00-47	•	148.90097 108.52206
	Kennewick	44		119-07-54		212.97017
	Coeur D'Alene	45		116-43-47	=	98.80950
	Wenatchee	46		120-13-55		255.11395

End of report.

halia.

Study not including Cheney, WA, 45

Run begins Wed Apr 15 11:28:35 1998, host providence

Analysis of: 26N ID COEUR D'ALENE

	POPULATION	AREA (sq km)
within Noise Limited Contour	327825	7398.0
not affected by terrain losses	223501	4645.2
lost to NTSC IX	40372	152.0
lost to additional IX by ATV	0	0.0
lost to all IX	40372	152.0

Analysis of: 45A ID COEUR D'ALENE

HAAT 465.0 m, ATV ERP 50.0 kW, direction 270.0 degrees T, F/B = 1.5 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	327825	7398.0
not affected by terrain losses	314686	5957.6
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0
percent match ATV/NTSC	100.0	100.0

Finished Wed Apr 15 11:31:09; run time 0:02:20 4882 calls to Longley-Rice; path distance increment 1.00 km Study with Cheney, WA, 45 included and with Coeur D'Alene moved to DTV Channel 47

Run begins Wed Apr 15 12:26:52 1998, host providence Analysis of: 45N WA CHENEY

		POPULATION	AREA (sq km)
wi	thin Noise Limited Contour	493002	24482.7
no	t affected by terrain losses	430026	17325.0
10	st to NTSC IX	0	0.0
lo	st to additional IX by ATV	22401	135.9
lo	st to all IX	22401	135.9
_			

Analysis of: 69A WA CHENEY

HAAT 367.0 m, ATV ERP 292.2 kW, direction 180.0 degrees T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	493002	24482.7
not affected by terrain losses	448050	18176.2
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	0	0.0
percent match ATV/NTSC	100.0	100.0
Analysis of: 26N ID COEUR D'ALENE		

POPULATION AREA (sq km) within Noise Limited Contour 327825 7398.0 4645.2 not affected by terrain losses 223501 lost to NTSC IX 39911 144.0 lost to additional IX by ATV 0 0.0 lost to all IX 39911 144.0

Analysis of: 47A ID COEUR D'ALENE

HAAT 465.0 m, ATV ERP 50.0 kW, direction 270.0 degrees T, F/B = 1.5 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	327825	7398.0
not affected by terrain losses	314596	5945.6
lost to NTSC IX	0	0.0
lost to additional IX by ATV	C	0.0
lost to ATV IX only	Ü	0.0
lost to all IX	Ġ	0.0
percent match ATV/NTSC	100.0	100.0

Finished Wed Apr 15 12:32:09; run time 0:05:05 17976 calls to Longley-Rice; path distance increment 1.00 km \*\*\*\*\*\* DTV TO NTSC TV CHANNEL SPACING STUDY \*\*\*\*\*\*

Job title: Coeur D' Alene Latitude: 47 43 54 DTV Channel: 47 Longitude: 116 43 47

Database file name: c:\tvsr\tv980408.edx

СН	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
		~			_					
470	CBRT8	10945	BURMIS	AB	2	L	41.8	276.5	273.6	2.9
470	KYVE	12450	YAKI <b>M</b> A	WA	2	$\mathbf{L}$	246.4	316.2	273.6	42.6

\*\*\*\*\* End of DTV channel 47 study \*\*\*\*\*\*

Study Title: Coeur D'Alene, ID, DTV moved from 45 to  $\underline{47}$  Coeur D'Alene, ID Channel 47

DTV Study Station, Transmitter Coordinates: 47-43-54 N 116-43-47 W

Study distance: 300 km

\*\*\*DTV TO DTV STUDY RESULTS\*\*\*

Station is in the clear.

#### **CERTIFICATE OF SERVICE**

I, Toni R. Daluge, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, hereby certify that on this 20th day of April, 1998, copies of the foregoing "Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

Roy J. Stewart, Chief\*
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, DC 20554

Barbara A. Kreisman, Chief\*
Video Services Division
Mass Media Bureau
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State Board of Education State of Idaho Radio and Television Center University of Idaho Moscow, ID 83844-3101

Toni R. Daluge

\* Hand Delivered